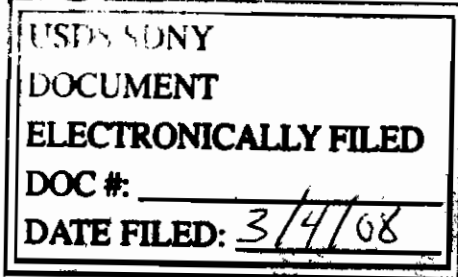


MEMO ENDORSED**ROSENBERG & ESTIS, P.C.**

ATTORNEYS AT LAW

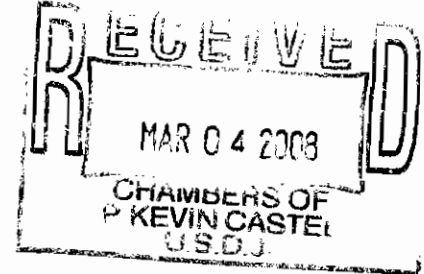


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March 4, 2008

Honorable P. Kevin Castel
 United States District Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street, Room 1610
 New York, New York 10007-1312



**Re: David Gordon and Jacqueline Swiskey v. Brian Palumbo, et al.,
Case No. 07 CV 6624 (PKC)**

Honorable Sir:

This law firm represents Defendants Carl Lieberman, Nancy S. Lieberman and Brett Lieberman in the above captioned action. I am in receipt of the letter dated February 28, 2008 from counsel for the remaining Defendants and also write to respectfully request the scheduling of a pre-motion conference in accordance with Your Honor's Individual Practice 2(A)(1) in anticipation of a motion to dismiss the Amended Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

For all the reasons raised by the Defendants Brian Palumbo, et al, in the February 28, 2007 letter from their counsel, David J. Nathan of Levin & Glasser, P.C., my clients also believe that the Amended Complaint in this action should be dismissed. For the sake of brevity, I will not repeat those arguments.

In addition, the Court should be aware that the claims against my clients are barred by the applicable statute of limitations. See Agency Holding Corp. v. Malley-Duff & Assocs., Inc., 483 U.S. 143 (1987). Civil RICO actions are subject to a four-year statute of limitation. My clients have not resided in the building known as 44 East 82nd Street, New York, New York 10028 (the "Building") since November 2003, and none of the allegations in the Amended Complaint as they relate to my clients occur subsequent to the date they vacated the Building. As such, given that no claim was asserted within the limitations period, the Complaint against my clients should be dismissed.

ROSENBERG & ESTIS, P.C.
ATTORNEYS AT LAW

Honorable P. Kevin Castel
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Defendants respectfully request that Defendants' time to answer or move (which will expire as early as March 5, 2008) be extended until at least one week after this Court has granted or denied the request for a pre-motion conference. We thank the Court for its attention to this matter.

Very truly yours,

Deborah Riegel

Deborah E. Riegel (DER - 9630)

cc: Mr. David Gordon, *pro se* (by Federal Express)
Ms. Jacqueline Swiskey, *pro se* (by Federal Express)

*Pre-motion conference is waived,
Any and all defendants may
move to dismiss provided the
motion is filed by March 21, 2008.
A answering papers are to be filed
by plaintiff by April 18. Any
defendant wishing to reply shall
do so by May 2.*

*Time for all defendants to answer
or move extended to March 21.*

*SO ORDERED
J. Smith, U.S.D.J.
3-4-08*